

R 32
MOTION UNDER 28 USC § 2255 TO VACATE, SET ASIDE, OR CORRECT
SENTENCE BY A PERSON IN FEDERAL CUSTODY

United States District Court		District Western District of Tennessee	
Name of Movant Antonio Stacker		Prisoner No. #20079-076	Docket No. 2:16-cr-20115
Place of Confinement FCI Memphis, P.O. Box 34550, Memphis, TN. 38184 (Antonio Stacker)			
(include name upon which convicted)			
UNITED STATES OF AMERICA		v. Antonio Stacker	
(full name of movant)			
MOTION			
1. Name and location of court which entered the judgment of conviction under attack <u>United States District Court for the Western District of Tennessee</u>			
2. Date of judgment of conviction <u>August 22, 2016</u> .			
3. Length of sentence <u>70 months</u>			
4. Nature of offense involved (all counts) <u>Felon in Possession of a firearm Title 18 U.S.C. §922(g)</u>			
<hr/> <hr/> <hr/>			
5. What was your plea? (Check one)			
(a) Not guilty <input checked="" type="checkbox"/> Trial by jury (b) Guilty <input type="checkbox"/> (c) Nolo contendere <input type="checkbox"/>			
If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details: N/A			
<hr/> <hr/> <hr/>			
6. Kind of trial: (Check one)			
(a) Jury <input checked="" type="checkbox"/> (b) Judge only <input type="checkbox"/>			
7. Did you testify at the trial? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
8. Did you appeal from the judgment of conviction? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			

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THOMAS M. GOULD
CLERK U.S. DISTRICT COURT
MAY 20 2016

9. If you did appeal, answer the following:

(a) Name of court United States Court Of Appeals for the Sixth Circuit

(b) Result Denied

(c) Date of result April 19, 2018

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications or motions with respect to this judgment in any federal court?

Yes No

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court Supreme Court of the United States

(2) Nature of proceeding Petition for a Writ of Certiorari

(3) Grounds raised Violation of Brady and Jencks material

(4) Did you receive an evidentiary hearing on your petition, application or motion?
Yes No

(5) Result N/A

(6) Date of result May 29, 2019

(b) As to any second petition, application or motion give the same information:

(1) Name of court N/A

(2) Nature of proceeding N/A

(3) Grounds raised

(4) Did you receive an evidentiary hearing on your petition, application or motion?
 Yes No

(5) Result _____ N/A

(6) Date of result _____

(c) As to any third petition, application or motion, give the same information:

(1) Name of court _____ N/A

(2) Nature of proceeding _____

(3) Grounds raised _____ N/A

(4) Did you receive an evidentiary hearing on your petition, application or motion?
 Yes No

(5) Result _____

(6) Date of Result _____

(d) Did you appeal, to an appellate federal court having jurisdiction, the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes No
 (2) Second petition, etc. Yes No
 (3) Third petition, etc. Yes No

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

N/A

12. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.
CAUTION: If you fail to set forth all grounds in this motion, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in these proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you have other than those listed. However, you should raise in this motion all available grounds (relating to this conviction) on which you based your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The motion will be returned to you if you merely check (a) through (j) or any one of the grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily or with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.

- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impanelled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: See Memorandum of Law in Support:

Ineffective Assistance of Counsel

Supporting FACTS (tell your story briefly without citing cases or law):

B. Ground two: See Memorandum of Law

Prosecutorial misconduct, Improper Jury Instruction and
Judge was biased.

Supporting FACTS (tell your story briefly without citing cases or law): See Memorandum:

C. Ground three: N/A

Supporting FACTS (tell your story briefly without citing cases or law): N/A

D. Ground four: N/A

Supporting FACTS (tell your story *briefly* without citing cases or law):

13. If any of the grounds listed in 12A, B, C, and D were not previously presented, state briefly what grounds were not so presented, and give your reasons for not presenting them: Attorney was ineffective assistance of counsel and this can only be directed in a §2255 Motion.

14. Do you have any petition or appeal now pending in any court as to the judgment under attack?

Yes No

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing Mary C. Jermann-Robinson (Assistant Public Defender)

200 Jefferson, Suite 200, Memphis, TN. 38103

(b) At arraignment and plea _____

(c) At trial Same as above

(d) At sentencing Same as above

(e) On appeal Same as above.

(f) In any post-conviction proceeding Direct appeal, same as above, and as to
Writ of Certiorari.

(g) On appeal from any adverse ruling in a post-conviction proceeding

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at approximately the same time?

Yes No

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes No

(a) If so, give name and location of court which imposed sentence to be served in the future: N/A

(b) Give date and length of the above sentence: 70 months

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes No

Wherefore, movant prays that the Court grant him all relief to which he may be entitled in this proceeding.

Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

May 14, 2019
(date)

Antonio Stacker
Signature of Movant